

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
Lynchburg Division

IN RE:

Chapter 11

A.G. DILLARD, INC.,

Case No. 22-60115-RBC

Debtor.

=====

PAWNEE LEASING CORPORATION,

Movant,

v.

A.G. DILLARD, INC., and UNITED
STATES TRUSTEE, Trustee,

Respondents.

**MOVANT'S CERTIFICATION REQUIRED WITH
RESPECT TO MOTION FOR RELIEF FROM STAY**

1. Description of Property:
 - (a) CAT RPO 2020 306, Serial # 06G600642
 - (b) CAT RPO 2020 Mini 305E 2, Serial #H5M12524
 - (c) CAT RPO 2020 Trench Roller RTXL-SC3, Serial #3200117
 - (d) Wacker RPO 2019 Trench Roller, Serial #32000225
 - (e) CAT RPO2021 Excavator 310, Serial #GWT01376
2. Copies of Security Instruments: **Attached as Movant's Exhibit 1**
3. Statement of Amount Due:
 - (a) Unpaid Principal: \$315,367.47
 - (b) Accrued Interest from 11/01/2021 to 05/01/2022: \$1,260.15
 - (c) Late Charges from 10/26/2021 to 04/26/2022: \$6,514.69 (7 late charges of \$930.67 each)
 - (d) Attorney's fees: \$5,995.50
 - (e) Advances for Taxes, Insurance, and the Like: N/A
 - (f) Unearned Interest: N/A

(g) Any Other Charges: \$95.00 termination fee, \$4,673.22 for unpaid personal property taxes due to Fluvanna County

(h) Dates of missed contractual payments as of date of Motion for Relief: 02/15/2022, 03/15/2022, 04/15/2022, 05/15/2022

4. Per Diem Interest Factor: \$207.36

5. Property valuation:

(a) Movant's valuation of property: \$327,500.00

(b) Basis of such valuation: Desktop FMV Report prepared by RTR Services Inc.

(c) Appraisal or other documentation of such valuation, if attached, is identified as **Movant's Exhibit 2**

I HEREBY CERTIFY, as a Member of the Bar of the Court, that I represent the above-named Movant and that the information contained herein is true according to the best of my knowledge and belief.

DATED: May 21, 2022

/s/Neal L. Walters

Signature of Movant's Attorney

/s/Neal L. Walters

Neal L. Walters, Esq.

Virginia State Bar No. 32048

Attorney for Pawnee Leasing Corporation

Scott | Kroner PLC

418 East Water Street

P.O. Box 2737

Charlottesville, VA 22902

Telephone: (434) 296-2161

Fax: (434) 293-2073

E-mail: nwalters@scottkroner.com

Counsel for Movant

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A.

/s/Neal L. Walters

Neal L. Walters, Esq.

Attorney for Plaintiff

Scott Kroner PLC

418 East Water Street

P.O. Box 2737

Charlottesville, VA 22902

Telephone: (434) 296-2161

Fax: (434) 293-2073

E-mail: nwalters@scottkroner.com

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS

Office of the Clerk
Virginia State Corporation Commission

Filing Number: 20210907076929
Filing Date and Time: 9/3/2021 5:00:00 PM
Total Number of Pages: 2

A. NAME & PHONE OF CONTACT AT FILER (optional) Name: Wolters Kluwer Lien Solutions Phone: 800-331-3282 Fax: 818-662-4141	
B. E-MAIL CONTACT AT FILER (optional) uccfilingreturn@wolterskluwer.com	
C. SEND ACKNOWLEDGMENT TO: (Name and Address) Lien Solutions P.O. Box 29071 Glendale, CA 91209-9071 82272531 VAVA	

File with: State Corporation Commission, VA

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S NAME: Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 1b, leave all of item 1 blank, check here ☐ and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

1a. ORGANIZATION'S NAME A. G. Dillard, Inc.				
OR	1b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
1c. MAILING ADDRESS 295 Memory Lane		CITY Troy	STATE VA	POSTAL CODE 22974
			COUNTRY USA	

2. DEBTOR'S NAME: Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the Individual Debtor's name will not fit in line 2b, leave all of item 2 blank, check here ☐ and provide the Individual Debtor information in item 10 of the Financing Statement Addendum (Form UCC1Ad)

2a. ORGANIZATION'S NAME				
OR	2b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
2c. MAILING ADDRESS		CITY	STATE	POSTAL CODE
			COUNTRY	

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME C T CORPORATION SYSTEM, AS REPRESENTATIVE				
OR	3b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
3c. MAILING ADDRESS 330 N Brand Blvd, Suite 700; Attn: SPRS		CITY Glendale	STATE CA	POSTAL CODE 91203
			COUNTRY USA	

4. COLLATERAL: This financing statement covers the following collateral:

This filing covers the following properties, assets and rights of Debtor, whether now owned or hereafter acquired (collectively the "Collateral"): (a) all personal property described below or on any exhibit attached hereto, which exhibit is incorporated by reference herein ("Specified Items"); (b) any and all additions, replacements, parts, or accessories to the Specified Items; (c) any rental, chattel paper, accounts, security deposits, relating to the Specified Items or the Agreement; and (d) all proceeds of any and all of the foregoing. In the event serial numbers, vehicle identification numbers or similar information is included below, on an exhibit attached hereto or otherwise in the description of Collateral, such information has been added by Secured Party to the best of its information in an effort to avoid confusion but is not intended to, and shall not, limit the above description of Collateral.

Collateral Equipment Exhibit attached

5. Check only if applicable and check only one box: Collateral is ☐ held in a Trust (see UCC1Ad, item 17 and Instructions) ☐ being administered by a Decedent's Personal Representative

6a. Check only if applicable and check only one box:

☐ Public-Finance Transaction ☐ Manufactured-Home Transaction ☐ A Debtor is a Transmitting Utility

6b. Check only if applicable and check only one box:

☐ Agricultural Lien ☐ Non-UCC Filing

7. ALTERNATIVE DESIGNATION (if applicable): ☐ Lessee/Lessor ☐ Consignee/Consignor ☐ Seller/Buyer ☐ Bailee/Bailor ☐ Licensee/Licensor

8. OPTIONAL FILER REFERENCE DATA:

82272531

EFA Schedule "A"

EQUIPMENT		
Quantity	Equipment Description	Serial #
1	2020 Mini Excavator	06G600642
1	2020 Wacker Roller	3200117
1	2020 Mini Excavator	H5M12524
1	2019 Wacker Roller	32000225
1	2021 Mini Excavator	GWT01376



To: Pawnee Leasing
Attn: Shane Dreith
3801 Automation Way, Suite 207
Ft. Collins, CO 80525

Date:
Reference#: 2029536/SGW

Desktop FMV Report

Account Name: A. G. Dillard, Inc.
Account#: 384666

Assigned By: Shane Dreith
Phone: (800) 864-4266

Asset Description

(1) 2020 CAT 306 Mini Excavator, S/N:06G600642; (1) 2020 CAT 305E2 Mini Excavator, S/N: H5M12524; (1) 2019 W2 Wacker Roller, S/N: 32000225; (1) 2021 CAT 310-07 Mini Excavator, S/N: GWT01376; (1) W2 Wacker Roller, S/N: 32000117

The fair market value is based on our educated estimate of the current marketability of the assets and is not a guarantee of the asset(s) value. The only way to accurately assess an asset's FMV is by a physical inspection of the asset to determine its current condition and marketability. The party providing this report has not personally inspected the assets and this assessment was determined by the information you have provided. It is subject to change as new information is provided or discovered. This is only an assessment of what the current market value of the asset(s) might be, based on a multitude of variables that have been taken into consideration (i.e. age, estimated condition, current market conditions, etc...) and industry reference material and is not intended to be used as a sole determination of any given asset(s) value. This FMV is intended for use only by the party it is being provided to and the receiver is not authorized to duplicate or distribute it in any manner.

In review of the assets contained in the documents forwarded to us on 2/23/22 we have assessed the following Fair Market Values (FMV):

Low

High

Additional Comments / Info:

Values are assuming the units are operable, good condition with normal hours.

2020 Caterpillar 306 Mini FMV \$85,000 - \$100,000

2020 Caterpillar 305 EZ FMV \$72,500 - \$90,000

2019 Wacker Neuson RTSC3 FMV \$25,000 - \$32,000

2021 Caterpillar 310-07 FMV \$120,000 - \$140,000

2019 Wacker Neuson RTSC3 FMV \$25,000 - \$32,000

Thank you! We appreciate your business